

mediator declared an impasse. Following those proceedings, in an email to the Court, dated November 2, 2018, the mediator stated that he thinks “the parties made significant progress.” Since that time, the parties have continued their discussions. Nonetheless, the parties have been unable to reach a settlement. Of course, we are always open to a consensual resolution, but believe that given the Court’s deadline of discovery of December 11, 2018, we need to proceed with discovery in the litigation. We believe that proceeding on a dual track is the most appropriate path forward.

III.

CONCLUSION

In light of the foregoing, Plaintiff respectfully requests that this Court accept this mediation report describing the result of the mediation and consider the parties’ alternative dispute resolution obligations satisfied.

DATED: November 14, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the following counsel of record via electronic filing on this 14th day of November 2018.

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